

January 30, 1995

STATE AFFAIRS — S.C.R. 1, S.C.R. 27, S.J.R. 23, S.B. 258,  
S.B. 319

SENT TO GOVERNOR  
(January 27, 1995)

S.B. 18

TWELFTH DAY  
(Tuesday, January 31, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Charles Patterson, Church of the Hills, Austin, offered the invocation as follows:

Thank You, Father God, for the opportunities set before us today. I pray for the men and women in this Senate chamber whose charge it is to conduct the affairs of this great state in which we live. May Your wisdom become a trusted resource for the difficult decisions to come. Please grant each person clarity of thought and purity of heart as they deliberate. May Your hand of blessing and protection rest upon each person, their family, and the cities and communities they represent. I ask these things in the name of Jesus Christ our Lord. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

#### CO-AUTHORS OF SENATE JOINT RESOLUTION 7

On motion of Senator Ellis and by unanimous consent, Senators Nixon, Gallegos, Luna, Truan, and Moncrief will be shown as Co-authors of S.J.R. 7.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.C.R. 5**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 15**

On motion of Senator Moncrief and by unanimous consent, Senators Shapiro and West will be shown as Co-authors of **S.C.R. 15**.

**CO-AUTHORS OF SENATE BILL 23**

On motion of Senator Wentworth and by unanimous consent, Senators Ellis and West will be shown as Co-authors of **S.B. 23**.

**CO-AUTHORS OF SENATE BILL 31**

On motion of Senator Lucio and by unanimous consent, Senators Harris, Moncrief, and Zaffirini will be shown as Co-authors of **S.B. 31**.

**CO-AUTHOR OF SENATE BILL 32**

On motion of Senator Montford and by unanimous consent, Senator Cain will be shown as Co-author of **S.B. 32**.

**CO-AUTHORS OF SENATE BILL 59**

On motion of Senator Ellis and by unanimous consent, Senators Barrientos, Gallegos, Haywood, Luna, Moncrief, Nixon, and Truan will be shown as Co-authors of **S.B. 59**.

**CO-AUTHOR OF SENATE BILL 67**

On motion of Senator Bivins and by unanimous consent, Senator Galloway will be shown as Co-author of **S.B. 67**.

**CO-AUTHORS OF SENATE BILL 83**

On motion of Senator Shapiro and by unanimous consent, Senators Harris and Nelson will be shown as Co-authors of **S.B. 83**.

**CO-AUTHOR OF SENATE BILL 88**

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 88**.

**CO-AUTHOR OF SENATE BILL 128**

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 128**.

**CO-AUTHOR OF SENATE BILL 134**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 134**.

**CO-AUTHOR OF SENATE BILL 135**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 135**.

**CO-AUTHOR OF SENATE BILL 159**

On motion of Senator Moncrief and by unanimous consent, Senator West will be shown as Co-author of **S.B. 159**.

**CO-AUTHORS OF SENATE BILL 160**

On motion of Senator Moncrief and by unanimous consent, Senators West and Zaffirini will be shown as Co-authors of **S.B. 160**.

**CO-AUTHOR OF SENATE BILL 175**

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 175**.

**CO-AUTHOR OF SENATE BILL 215**

On motion of Senator Truan and by unanimous consent, Senator West will be shown as Co-author of **S.B. 215**.

**CO-AUTHOR OF SENATE BILL 242**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 242**.

**CO-AUTHOR OF SENATE BILL 243**

On motion of Senator Shapiro and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 243**.

**CO-AUTHOR OF SENATE BILL 33**

On motion of Senator Brown and by unanimous consent, Senator Sibley will be shown as Co-author of **S.B. 33**.

**CO-AUTHOR OF SENATE BILL 240**

On motion of Senator Nelson and by unanimous consent, Senator Sibley will be shown as Co-author of **S.B. 240**.

**MESSAGE FROM THE HOUSE**

House Chamber  
January 31, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 5**, In memory of Susan Hadden.

**H.C.R. 56**, In memory of John Potter.

Respectfully,  
Cynthia Gerhardt, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate Kenneth N. Jones, Jr., of McAllen, Executive Director, Lower Rio Grande

Valley Development Council, and Israel Tamez of Raymondville, Willacy County Commissioner.

The Senate welcomed its guests.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be COMMISSIONER OF INSURANCE: Elton Bomer, Anderson County.

To be Members of the TEXAS HEALTH BENEFITS PURCHASING COOPERATIVE Board of Trustees: Maria E. Crowley, Collin County; Matrice Ellis-Kirk, Dallas County; Cappy R. McGarr, Dallas County; Joseph F. Phillips, Hidalgo County; Marvin L. Ragsdale, Williamson County.

To be Members of the TEXAS AEROSPACE COMMISSION: Dr. David W. Carr, Travis County; Lee L. Kaplan, Harris County; James R. Royer, Harris County.

To be Members of the TEXAS REAL ESTATE COMMISSION: Rick M. Albers, Travis County; Pete Cantu, Sr., Bexar County; Thelma Elizalde, Harris County; Mitchell Katine, Harris County; Hazel W. Lewis, Tarrant County.

To be Members of the REAL ESTATE RESEARCH ADVISORY COMMITTEE: Andrea Lopes Moore, Harris County; John P. Schneider, Jr., Travis County.

To be a Member of the TEXAS ANIMAL HEALTH COMMISSION: Mike Levi, Travis County.

To be a Member of the EGG MARKETING ADVISORY BOARD: Larry J. Berend, Wichita County.

To be Members of the PRODUCE RECOVERY FUND BOARD: Carmen Jacques, El Paso County; David Wayne Smith, Castro County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### **ANNOUNCEMENT**

Senator Ratliff was recognized and notified the Senate of the death of Deborah Liesman, daughter of Representative and Mrs. Pete Patterson, and wife of Mike Liesman. He also announced that the funeral will be held

today at Oak Park United Methodist Church, Paris, Texas, at 3:00 p.m. Senator Ratliff requested that the Senate adjourn today in memory of Deborah Liesman.

### SENATE BILL 19 WITH HOUSE AMENDMENTS

Senator Whitmire called S.B. 19 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### Amendment No. 2

Amend S.B. 19 (House Committee Report) as follows:

(1) In the introductory language of Section 1, strike "Subsection (o)" and substitute "Subsections (o) and (p)".

(2) Add the following at the end of the first sentence of added Subsection (o) (page 1, line 9, between "subsection" and the period): ", except as provided by Subsection (p)".

(3) Add the following at the end of Section 1 (page 1, between lines 18 and 19):

(p) The suspension of the vehicle emissions inspection and maintenance program imposed by Subsection (o) does not apply to the inspection of vehicles voluntarily presented for inspection at an authorized inspection facility. This subsection does not require a contractor to make testing available on a voluntary basis.

(4) Add the following at the end of Section 2 (page 2, line 8, between "Act" and the period): ", except as provided by Section 382.037(p), Health and Safety Code, as added by this Act".

(5) Add a new Section 3, and renumber existing Section 3 as Section 4, to read as follows:

SECTION 3. (a) In addition to amounts previously appropriated from the Clean Air Fund Account (Fund Account 151) for the 1994-1995 biennium, the sum of \$8.8 million is appropriated from that fund to the Texas Natural Resource Conservation Commission for payment to the managing contractors under contracts, or amendments to contracts, described by Subsection (b) between the commission and the managing contractors for implementation of the vehicle emissions inspection and maintenance program.

(b) The Texas Natural Resource Conservation Commission and the managing contractors shall negotiate contracts or contract amendments under which:

(1) the contractor releases the commission and the State of Texas from any liability to the contractor resulting from the 90-day delay in implementation of the vehicle emissions inspection and maintenance program provided by this Act;

(2) the commission pays to the contractor, upon proof to the satisfaction of the commission and the attorney general of losses incurred by the contractor resulting from the 90-day delay provided by this Act, an amount not to exceed \$8.8 million; and

(3) the contractor agrees to repay to the state, without interest, the amount paid under Subdivision (2) not later than August 31, 1997.

(c) The attorney general shall represent the State of Texas and the commission in the negotiations on the contracts or contract amendments and must draft and sign the documents as approval on the part of the state. A contract or contract amendments may not waive any of state's defenses available under law or under the existing contract between the Texas Natural Resource Conservation Commission and a managing contractor. This Act does not waive any defense available to the state.

#### **Amendment No. 4**

Amend Amendment No. 2 to **S.B. 19** as follows:

(1) On page 1, line 23, strike "managing contractors" and substitute "managing contractors and subcontractors".

(2) On page 1, line 34, strike "contractor" and substitute "contractor and subcontractors".

(3) On page 2, line 4, strike "contractor agrees" and substitute "contractor and subcontractors agree".

#### **Amendment No. 5**

Amend **S.B. 19** by adding a new section, appropriately numbered, to read as follows and renumbering subsequently, sections accordingly:

Section \_\_\_\_ . The Texas Natural Resource Conservation Commission (TNRCC) shall work with the United States Environmental Protection Agency (EPA) to develop reasonable alternatives to the vehicle emissions inspection and maintenance program.

There are alternative methods of pollution reduction that the state cannot include in the state plan because of burdensome technical requirements by the United States Environmental Protection Agency, the Texas Natural Resource Conservation Commission may assist individual innovations of solutions with United States Environmental Protection Agency to allow a broader range of alternatives to be made available to the state plan.

**(Senator Montford in Chair)**

The amendments were read.

Senator Whitmire moved to concur in the House amendments to **S.B. 19**.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Gallegos, Galloway, Harris, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Ellis, Haywood.

Absent-excused: Sims.

**(President in Chair)**

**GUEST PRESENTED**

The President introduced to the Senate Speaker of the House of Representatives Pete Laney.

The Senate welcomed Speaker Laney.

**CAPITOL PHYSICIAN**

The President recognized Senator Barrientos, who presented Dr. David Carter of Austin as the "Doctor for the Day."

Dr. Carter, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

**GUESTS PRESENTED**

Senator Barrientos, joined by Senator Wentworth, was recognized and introduced to the Senate a delegation from The Island on Lake Travis retirement center in Lago Vista.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Wentworth, on behalf of Senator Sims, was recognized and introduced to the Senate Skip Darossett, Mayor of Copperas Cove; Janice Honeycutt, Executive Director, Chamber of Commerce; Neva Mote, Chair of the Board, Chamber of Commerce; Earl Trabue, Chair of Governmental Affairs, Chamber of Commerce; and Wendell Henderson, past Chair of the Board, Chamber of Commerce. These guests were here in honor of Copperas Cove Day.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate George Smith, principal of J. R. Harris Elementary; Norman Luther, principal of Brookline Elementary; and Kermit Harper, principal of Pilgrim Elementary, all from the Houston Independent School District.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a group of students and their teachers from Uvalde High School.

The Senate welcomed its guests.

**SENATE RESOLUTION 127**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the Texas Association of Mexican American Chambers of Commerce for its dedication to the Hispanic community; and

WHEREAS, Founded in 1975, the Texas Association of Mexican American Chambers of Commerce (TAMACC) is a nonprofit organization created to promote business leadership, economic opportunities, and legislative advocacy for the Hispanic business community; and

WHEREAS, The goals of TAMACC include strengthening the coalition of Hispanic business owners around the state, stimulating new business enterprises, and serving as an advocate for Hispanic business in international trade development; and

WHEREAS, The association promotes the growth of local Hispanic chambers of commerce and currently assists 20 local chamber chapters through regional workshops, business information dissemination, and special project development; and

WHEREAS, The most recent and comprehensive program developed by TAMACC is the Texas Business Center, a computer bulletin board system that links members to business opportunities in Texas, the United States, and the international community; and

WHEREAS, The Corporate Partnership Program was created by TAMACC to ensure a mutually beneficial relationship with major corporations and to promote better Hispanic representation in top management positions; and

WHEREAS, This unique organization is an excellent source of useful business data for its members, and it will undoubtedly continue to have a positive impact on Hispanic citizens throughout the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby commend the Texas Association of Mexican American Chambers of Commerce for its efforts on behalf of the Hispanic business community and for its many worthy accomplishments; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the association as an expression of regard from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Rosson was recognized and introduced to the Senate Presi Ortega, Art Fierro, David Porras, Helen Bowie, Ric Rios, Charlie Ponzio, and Joe Lopez of the El Paso Hispanic Chamber of Commerce.

The Senate welcomed its guests.

(Senator Armbrister in Chair)



**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

**GUEST PRESENTED**

Senator Ratliff was recognized and introduced to the Senate Mrs. Rosie Moncrief, wife of Senator Moncrief.

The Senate welcomed Mrs. Moncrief.

**SENATE BILL 181 ON SECOND READING**

Senator Ratliff moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 181** be taken up for consideration at this time:

**S.B. 181**, Relating to college or university credit in government or political science and in American or Texas history through advanced standing examination.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 181 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 181** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**(President in Chair)**

**SENATE BILL 59 ON SECOND READING**

Senator Ellis moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 59** be taken up for consideration at this time:

**S.B. 59**, Relating to removal of restrictions on investment of certain funds in businesses doing business in South Africa.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 59 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 59** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**MOTION TO PLACE  
SENATE BILL 240 ON SECOND READING**

Senator Nelson moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 240** be taken up for consideration at this time:

**S.B. 240**, Relating to the statutory county courts and statutory probate court in Denton County.

The motion was lost by the following vote: Yeas 24, Nays 6. (Not receiving four-fifths vote of membership)

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, West, Whitmire.

Absent-excused: Sims.

**MOTION TO PLACE  
SENATE JOINT RESOLUTION 7 ON SECOND READING**

Senator Ellis asked unanimous consent to suspend Senate Rule 7.13 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.J.R. 7**, Proposing a constitutional amendment allowing investment of money from the Texas growth fund in a business without the business's disclosure of its investments in or with South Africa or Namibia.

There was objection.

Senator Ellis then moved to suspend Senate Rule 7.13 and Section 5 of Article III of the State Constitution and take up **S.J.R. 7** for consideration at this time.

The motion was lost by the following vote: Yeas 22, Nays 8. (Not receiving four-fifths vote of membership)

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Rosson, Shapiro, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Leedom, Nixon, Patterson, Ratliff, Sibley.

Absent-excused: Sims.

#### **PERSONAL PRIVILEGE STATEMENTS**

The following Senators were recognized to speak on a point of personal privilege: Senators Leedom, Ellis, Luna, West, Whitmire, Nelson, and Sibley.

#### **BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

**S.B. 19** (Signed subject to Art. III,  
Sec. 49a of the Constitution)

#### **SENATE JOINT RESOLUTION 7 ON SECOND READING**

Senator Ellis again moved that Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.J.R. 7** be taken up for consideration at this time:

**S.J.R. 7**, Proposing a constitutional amendment allowing investment of money from the Texas growth fund in a business without the business's disclosure of its investments in or with South Africa or Namibia.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The resolution was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE JOINT RESOLUTION 7 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.J.R. 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.J.R. 29** by West

State Affairs

Proposing a constitutional amendment authorizing the legislature to provide for the issuance of bonds for the state financing of start-up costs for historically underutilized businesses.

- S.J.R. 30** by West State Affairs  
Proposing a constitutional amendment authorizing the legislature to provide for the issuance of bonds to provide or guarantee surety bonds for historically underutilized businesses.
- S.J.R. 31** by Armbrister State Affairs  
Proposing a constitutional amendment declaring that the taking of property to provide an access easement to land that does not have a means of access constitutes and serves a public use and purpose.
- S.B. 15** by Whitmire, Armbrister, Criminal Justice  
Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini  
Relating to the prosecution and punishment of certain criminal offenses and to the sentencing of certain defendants convicted of criminal offenses.
- S.B. 354** by Shapiro Criminal Justice  
Relating to access to certain personal information by persons in the custody of the Texas Department of Criminal Justice; creating an offense and providing a penalty.
- S.B. 355** by Moncrief Economic Development  
Relating to the offense of insurance claim fraud; providing criminal penalties.
- S.B. 356** by Sibley, Zaffirini Criminal Justice  
Relating to driving or operating a motor vehicle for purposes of the law governing driving while intoxicated.
- S.B. 357** by Sibley, Harris, Criminal Justice  
Haywood, Nelson, Zaffirini, Wentworth  
Relating to the authority of certain law enforcement agencies to establish a checkpoint on a street or highway to determine whether persons are driving while intoxicated.
- S.B. 358** by Sibley, Zaffirini Criminal Justice  
Relating to the civil and criminal consequences of an offense involving the driving or operation of a motor vehicle by a person under the age of 21 while under the influence of alcohol or certain substances or while impaired.
- S.B. 359** by Sibley, Zaffirini Criminal Justice  
Relating to the standard of alcohol concentration used in defining the offense of driving while intoxicated.
- S.B. 379** by Wentworth Economic Development  
Relating to the establishment, certification, organization, and regulation of dental preferred provider organizations and dental preferred provider plans.
- S.B. 380** by Barrientos Committee of the Whole Senate  
on Legislative and Congressional Redistricting  
Relating to the apportionment of the state into congressional districts.

**S.B. 381** by West State Affairs  
Relating to the provision by the state of guarantees and indemnification relating to surety bonds for historically underutilized businesses; authorizing the issuance of bonds.

**S.B. 382** by West State Affairs  
Relating to a capital growth and start-up fund for historically underutilized businesses; authorizing the issuance of bonds.

**S.B. 383** by Armbrister State Affairs  
Relating to granting the owner of landlocked property the right to an access easement under certain circumstances.

**S.B. 384** by Montford Finance  
Relating to state aid for counties that provide secure residential care facilities for certain delinquent children.

**S.B. 385** by Ellis, Health and Human Services  
Zaffirini, Luna, Madla, Moncrief, West  
Relating to the establishment and operation of a healthy start/healthy families program.

**S.B. 386** by Gallegos Intergovernmental Relations  
Relating to prohibiting certain counties from contracting with a nongovernmental association for the provision of law enforcement services by the county.

**S.B. 387** by Truan Intergovernmental Relations  
Relating to authorizing certain counties to maintain a branch courthouse outside the county seat and permitting certain governmental entities to conduct certain functions at that facility.

#### **SENATE BILL 240 ON SECOND READING**

Senator Nelson again moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 240** be taken up for consideration at this time:

**S.B. 240**, Relating to the statutory county courts and statutory probate court in Denton County.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Ellis, Gallegos, Luna, West, Whitmire.

Absent-excused: Sims.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend S.B. 240 as follows:

(1) In Section 25.0632(h), Government Code (page 2, lines 57-58), strike "and statutory probate court".

(2) Add the following new Subsection (i) to Section 25.0632, Government Code (page 3, between lines 5 and 6):

(i) A judge of a statutory probate court is subject to assignment as provided by Section 25.0022.

(3) Strike Subsection (b), Section 25.0635, Government Code (page 3, lines 51-58) and substitute a new Subsection (b) to read as follows:

(b) A statutory probate court has the civil jurisdiction provided by Section 25.0003 for statutory county courts.

(4) Strike Subsection (c), Section 25.0635, Government Code (page 3, lines 59-65) and substitute a new Subsection (c) to read as follows:

(c) A statutory probate court has the jurisdiction provided by general law for county courts or statutory county courts over civil penalties, forfeitures, including surety bond forfeitures and escheats regardless of the amount in controversy or remedy sought.

(5) Strike Subsection (d), Section 25.0635, Government Code (page 3, line 66 through page 4, line 2).

(6) Strike Subsection (e), Section 25.0635, Government Code (page 4, lines 3-26) and substitute a new subsection designated as Subsection (d) to read as follows:

(d) A statutory probate court has jurisdiction, regardless of the amount in controversy or remedy sought, over eminent domain cases as provided by Section 21.001, Property Code, for statutory county courts; direct and inverse condemnation cases; adjudication and determination of land titles whether or not ancillary to eminent domain proceedings; partition cases; suits to quiet title; trespass to try title; lien foreclosures; adjudication of all freehold and leasehold interests, easements, licenses, and boundaries of real property; with all ancillary or pendent jurisdiction necessary for adjudication of an eminent domain case as provided by Sections 21.002 and 21.003, Property Code.

(7) Strike Subsections (f), (g), and (h), Section 25.0635, Government Code (page 4, lines 27-41).

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Ellis and West asked to be recorded as voting "Nay" on the adoption of the amendment.

The bill as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Barrientos, Ellis, Gallegos, Luna, West, and Whitmire asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE  
SENATE BILL 240 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 240** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 24, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Luna, West, Whitmire.

Absent-excused: Sims.

**MEMORIAL RESOLUTIONS**

**S.R. 121** - By Luna: In memory of Chris Myers of San Antonio.

**S.R. 129** - By Leedom: In memory of former Representative Phillip LaFrance Willis.

**H.C.R. 54** - (Whitmire): In memory of Donald Ray Lang.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 106** - By Wentworth: Congratulating Mr. and Mrs. T. A. Glasgow on the occasion of their 50th wedding anniversary.

**S.R. 120** - By Madla: Congratulating Mr. and Mrs. Ralph E. Weaver on the occasion of their 50th wedding anniversary.

**S.R. 122** - By Ellis: Congratulating Frank Parker of Huntsville on the occasion of his 100th birthday.

**S.R. 123** - By Truan: Welcoming the Honorable J. G. C. Wiebenga of the European Parliament.

**S.R. 124** - By Sims: Declaring January 31, 1995, as Copperas Cove Day.

**S.R. 125** - By Sims: Congratulating William P. "Bill" Wright, Jr., for being selected Outstanding West Texan by the Texas Association of Business and Chambers of Commerce.

**S.R. 128** - By Lucio: Commending the Coca-Cola Company for sponsoring the Texas Association of Mexican American Chambers of Commerce's salute to the state's Latino legislators.

**H.C.R. 33** - (Harris): Designating February 1, 1995, as the 18th annual Texas PTA Legislative Day.

**ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:57 p.m. adjourned, in memory of Deborah Liesman, daughter of Representative and Mrs. Pete Patterson, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

January 31, 1995

JURISPRUDENCE — S.B. 283, C.S.S.B. 284

ECONOMIC DEVELOPMENT — C.S.S.B. 31, S.B. 23

NATURAL RESOURCES — S.B. 290

CRIMINAL JUSTICE — S.B. 243, S.B. 127, S.B. 285, S.B. 286, S.B. 135 (Amended), S.B. 242 (Amended), C.S.S.B. 223, C.S.S.B. 124, C.S.S.B. 129, C.S.S.B. 134, C.S.S.B. 126, C.S.S.B. 152, C.S.S.C.R. 3, C.S.S.C.R. 17, C.S.S.C.R. 5

**SENT TO COMPTROLLER**

(January 31, 1995)

**S.B. 19**

**SENT TO GOVERNOR**

(January 31, 1995)

**S.B. 19**

**SIGNED BY GOVERNOR**

(January 31, 1995)

**S.B. 19** (Effectively immediately)

**THIRTEENTH DAY**

(Wednesday, February 1, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.